REMARKS

This amendment is a full and timely response to the Final Office Action dated November 30, 2009. Claims 1 to 4, 6, and 8 to 11 are pending, with claims 1, 9, and 10 being independent. Reconsideration and allowance is requested in view of the following remarks. *No new matter has been added by these amendments.*

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. This rejection is respectfully traversed.

Applicant directs attention to U.S. Pub. No. 2007/0009231, Specification ¶¶ [0240], [0258], [0272], and [0288], where there are clear examples of the "*computer readable medium*" in claim 10.

Accordingly, Appellant respectfully requests reconsideration and withdrawal of the objection of claim 10 as failing to provide proper antecedent basis for the claimed subject matter.

Claim 10 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Abeet al.*, U.S. Patent Number 6,134,378 (*Abe*). This rejection is respectfully traversed.

Claim 10 is clearly drafted in acceptable "Beauregard" form and clearly constitutes statutory subject matter.

The Office Action treats the "*computer readable medium*" in claim 10 "as a signal." (Office Action Page 4). This conclusion is erroneous as Applicant's "*computer readable medium*" is not a signal and the specification clearly states examples of hardware support for the "*computer readable medium.*"

Specifically and by way of example, the "*computer readable medium*" may be a "removable medium 346 including a packaged medium such as a magnetic disk, an optical disc and a DVD." (U.S. Pub. No. 2007/0009231, Specification FIG. 29, ¶¶ [0502]). Similarly and by way of example only, the "*computer readable medium*" may be "data readable from memory." (U.S. Pub. No. 2007/0009231, Specification FIG. 7, 8, 9, and 10, ¶¶ [0240], [0258], [0272], and [0288] respectively).

Moreover, to the extent that there may be recent narrowing of the view of patentable subject matter in the wake of the ostensibly expanded view of the same in *State Street* and its progeny, it is clear that all of Applicant's claims are clearly within the bounds of what is considered statutory, and not in a suspect area. That is, the claims recite patentable products, rather than "pure mental steps" or illusory, transitory signals in the abstract as suggested by the Office Action. (*See*, for example, *In re Comiskey*, 499 F.3d 1365, 84 U.S.P.Q.2d 1670 (Fed. Cir. 2007) (mental process of resolving a legal dispute between two parties by the decision of a human arbitrator considered non-statutory subject matter); *See also In Re Nuijten*, 515 F.3d 1361, 85 U.S.P.Q.2d 1927 (Fed. Cir. 2008) (transitory, propagating signal (not modulated onto carrier signal) considered non-statutory subject matter)).

Accordingly, Appellant respectfully requests reconsideration and withdrawal of the rejection of claim 10 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1 – 4, 6, and 8 – 11 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Abe et al.*, U.S. Patent Number 6,134,378 (*Abe*). This rejection is respectfully traversed.

Independent claim 1 recites "[*a*] *playback apparatus for playing back video data, comprising: an input acceptance processing unit which accepts a playback instruction indicating a playback frame; a memory which stores table information including first position information, which is absolute position information as to each frame of the video data, second position information, which is associated with the first position information as to each frame of the video data and is relative position information of the video data, and status information indicating a type of change pattern of a value of the first position information as to each frame of the video data, so that a plurality of consecutive frames with matching status information indicating the type of change pattern of the value of the first position information in the table information can be identified; identifying means for identifying the second position information, by referring to the table information, wherein the identifying means performs determination whether the first position information of the playback frame which is specified by the playback instruction exists in each status section which is grouped by the plurality of consecutive frames with matching status information, and identifies the second position information corresponding to the first position*

information of the playback frame which is specified by the playback instruction based on a result of the determination; and playback means for playing back the playback frame corresponding to the second position information identified by the identifying means."

Abe fails to disclose or suggest these claimed features. *Abe* arguably discloses a time code management table; however, this table is limited in showing time codes and durations. (see *Abe*, FIG, 6., columns STC, FTC, S-VITC, S-VITC, and Dur).

In contrast to *Abe*, Applicant's claimed invention pertains to "*a memory which stores table information including . . . **status information** indicating a **type of change** pattern of a value of the first position information as to each frame of the video data.*"

For example, as seen in FIGS. 16B, 17B, 18B, 19B, 20B, and 21B of Applicant's specification in U.S. Pub. No. 2007/0009231, the status column indicates the "*type of change pattern*," such as increment, increase, still, end, decrease, and over. Respectively to those figures, ¶¶ [0332], [0341], [0348], [0355], [0356], and [0363] explain that the status column is the "*status information*" of that frame. Clearly, *Abe*'s time codes and durations are not "*type*[*s*] *of change pattern*[*s*]," such as increment, increase, still, end, decrease, and over.

Further, the Office Action fails to identify how "*status information*" in Applicant's "*table*" is analogous to *Abe*'s time codes and durations because *Abe* is devoid of any discussion regarding "*status information*" and the "*type of change pattern.*"

Consistent with these distinctions, claimed features, such as "*identifying means performs determination whether the first position information of the playback frame which is specified by the playback instruction exists in each **status section***" and a status section "*which is grouped by the plurality of consecutive frames with matching **status information***" are neither disclosed nor suggested by *Abe*.

Specifically, because *Abe* does not disclose or suggest an equivalent of "*status information*" it does not disclose or suggest performing a "*determination*" based on the "*status section*[*s*]" with matching "*status information.*"

Furthermore, *Abe* clearly is devoid of any discussion of and thus fails to disclose or suggest an "*identifying means* . . . [that] *identifies the second position information corresponding to the first position information of the playback frame which is specified by the playback instruction based on a result of the determination.*"

In particular, because *Abe* does not disclose or suggest an equivalent of performing a "*determination*" based on the "*status section*[*s*]" with matching "*status information*" it does not disclose or suggest identifying "*second position information corresponding to the first position information of* . . . ***based on a result of the determination***."

Because *Abe* fails to disclose, teach, or suggest various features of claim 1, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). *See also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989). ("The identical invention must be shown in as complete detail as is contained in the ... claim.").

For reasons similar to those provided for claim 1, independent claims 9 and 10 are also neither disclosed by *Abe*. The dependent claims are also distinct for their incorporation of the features respectively recited in the independent claims as well as for their own, separately recited patentably distinct features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 – 4, 6, and 8 – 11 under 35 U.S.C. § 102(b) as being anticipated by *Abe*.

In view of the above amendment, Applicant believes the pending application is in condition for allowance. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3660 from which the undersigned is authorized to draw.

Dated: January 20, 2010

Respectfully submitted,

By _____
Christopher M. Tobin
Registration No.: 40,290
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 23353
Attorney for Applicant